

5624  
**DECISION**



*Has further 92-1*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

**FILE:** B-190984

**DATE:** March 9, 1978

**MATTER OF:**  
Technics

**DIGEST:**

Where protest letter is dated and received by GAO more than 10 working days after receipt by protester of denial by contracting activity of original protest to activity, protest is untimely filed and not for consideration.

The opening date for quotes on Department of Agriculture (Beltsville) request for quotations No. 21023 was August 25, 1977. After an evaluation of the products offered by the various responding firms it was determined that the Commonwealth Scientific Corporation had submitted the lowest, acceptable offer. Accordingly, award was made to that firm on September 7. The offered equipment was received and accepted by the Government under the contract on September 27; payment was made by check dated November 8.

Technics protested the award by letter dated October 17 to the contracting activity, contending that the awarded item did not meet the specifications. The contracting activity denied this protest by letter dated November 22 (a letter which Technics received at least by December 5). Technics replied to this denial by letter dated December 5, and by letter dated December 23 (after a second denial by the activity) protested the matter to our Office.

Technics received the denial of its protest by the contracting activity at least by December 5. The date of the Technics protest letter to our Office and the date of its receipt here were both more than

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10 working days after December 5. While Technics engaged in further correspondence with the contracting activity which resulted in a second denial of its protest by letter dated December 15, the initial (and controlling) adverse agency action (the original protest denial) occurred no later than December 5. 52 Comp. Gen. 20 (1972); National Flooring Company, B-188019, February 24, 1977, 77-1 CPD 138. Since it is provided in our Bid Protest Procedures (see 4 C.F.R. § 20.2(a) (1977)) that a protest filed initially with the contracting activity must be filed with our Office at least within 10 working days of the protester's receipt of initial denial by the contracting activity of the protest in order to be considered by our Office, the protest is untimely filed and not for our consideration on the merits.

*for* *Whitton J. Dooling*  
Paul G. Dooling  
General Counsel